IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 4614 of 2002

Between:

A.G.Hardikar
107 Residents of 4th Street Bharathi Degree college for Womens
Nallakunta Hyderabad

..... PETITIONER

AND

To

1 The Commissioner of Municipal Corporation of Hyderabad,
Hyderabad.
2 The Chief Medical officer of Health (M.C.H),
Hyderabad.
3 The Commissioner,

Hyderabad Metropolitan Water Supply Sewerage Board, Hyderabad.

4 The Secretary, Municipal Admin Dept.,
Secretariat, Hyderabad.
5 The Member-Secretary ,A.P.Pollution Control Board
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order, direction, or a writ, more particularly on in the nature of writ of

mandamus calling for the records and remarks from the respondents herein and connected to:- 1) Stagnation of rain water coming out of 5 Sq.Kms radius from a strom water manhole at the end of the lane of Bharat Degree College for Women,Street No.4, Nallakunta, Hyderabad to drain out rain water into the nallaw which is opposite to the Fever Hospital, Nallakunta during the Monsoon; 2)Rising up of water level upto the knee feet high during heavy rains resulting the polluted water to enter not only the lanes and by lanes causing a catchment area of more than 5 sq.Kms but also the compounds and houses of the nearby residents; and to pass appropriate orders directing to the respondents herein: A) To increase the diameter of water and sewerage pipelines which quite old into bigger areas; B) To provide separate water and sewerage pipelines to the complexes; C)To clear all the debris, clean the choked storm water drains from time to time to ensure that the road parallel to the railway tracks which has been access to lane beyond Shanker Muth, near side of Hindi Arts College,Vidyanagar,Hyderabad.

Counsel for the Petitioner:PETITION

Counsel for the Respondent No.4: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.1 and 2: None appeared

Counsel for the Respondent No. 3: Mr. P. Kishore Rao

Counsel for the Respondent No.5: Notice sent returned unserved

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

This is a taken up petition. Grievance has been made that there is stagnation of rain water coming out of 5 sq. kms., radius from a storm water manhole at the end of the lane of Bharat Degree College for Women, Street No.4, Nallakunta, Hyderabad and to drain out rain water into the nalla which is opposite to Fever Hospital, Nallakunta.

It has also been highlighted that there is rise of water level upto knee feet high during heavy rains resulting the polluted water to enter not only the lanes and bye

lanes causing a catchment area of more than 5 sq. kms., but also the compounds and houses of nearby residents. Therefore, directions had been sought to increase the diameter of water and sewerage pipelines; to provide separate water and sewerage pipelines to the complexes; to clear all the debris and to clean the chocked storm water drains etc., etc.

Counter affidavits have not been filed despite directions were issued on 6.6.2002.

Considering the facts and circumstances of the case, we would direct the respondents 1,3 and 4 to take up remedial measures in this regard and ensure appropriate drainage system for free flow of rain water and prevent any chocking of water channel pipes etc., by keeping the same clean for allowing the rain water to join into the main outlet.

The writ petition is accordingly disposed of. No costs.

_____ DEVINDER GUPTA, CJ

Date: 6th December, 2004

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M. NARAYANA REDDY, J

Pnb

To

1 The Commissioner of Municipal Corporation of Hyderabad,
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5 The Member-Secretary ,A.P.Pollution Control Board
Hyderabad.

6 Two C.Cs. to the Government Pleader for Municipal Administration, High Court Buildings, Hyderabad. (OUT)

7 Two C.D. copies